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10/527,237	09/22/2005	Stefan Welle	29400-1	2839

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EXAMINER

RIPLEY, JAY R

ART UNIT	PAPER NUMBER
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3679

MAIL DATE	DELIVERY MODE
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06/06/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/527,237	Applicant(s) STEFAN WELLE	
	Examiner Jay R. Ripley	Art Unit 3679	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03/24/2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03/09/2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>03/09/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d).

Information Disclosure Statement

2. The information disclosure statement (IDS) filed on 03/09/2005 was considered by the examiner.

Drawings

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the conduit end being provided with a connection piece having a radial projection, as recited in line 2 of claim 2, in addition to the radial projection of claim 1, as recited in line 3 of claim 1, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure

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must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

4. The abstract of the disclosure is objected to because of the parenthetical phrase in line 5; i.e. "(with or without a sealing element interposed)". Correction is required. See MPEP § 608.01(b).

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.

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(f) BACKGROUND OF THE INVENTION.

(1) Field of the Invention.

(2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.

(g) BRIEF SUMMARY OF THE INVENTION.

(h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).

(i) DETAILED DESCRIPTION OF THE INVENTION.

(j) CLAIM OR CLAIMS (commencing on a separate sheet).

(k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).

(l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

5. The disclosure is objected to because of the following informalities: the original specification lacks appropriate headings.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

1. In regard to claim 1, there is an inconsistency between the language in the preamble and certain portions in the body of the claim, thereby making the scope of the claim unclear. The preamble in claim 1 clearly indicates that a subcombination is being claimed, e.g., "Connection device for connecting a fluid conduit with another element having a sealing surface". This language would lead the examiner to believe that the Applicant intends to claim only the

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subcombination of a connection device, the fluid conduit and another element being only functionally recited. This presents no problem as long as the body of the claim also refers to the functionality, such as, "for attachment to said".

2. The problem arises when the fluid conduit and sealing surface are positively recited within the body of the claim, such as "with a conduit end associated with the fluid conduit" in line 3. There is an inconsistency within the claim; the preamble indicates the subcombination, while in at least one instance in the body of the claim there is a positive recital of structure indicating that the combination of a connection device, fluid conduit and another element are being claimed. The examiner cannot be sure if applicant's intent is to claim merely the connection device or the connection device in combination with the conduit and another element.

3. Applicant is required to clarify what the claims are intended to be drawn to, i.e., either the connection device alone or the combination of the connection device with the conduit and another element. Applicant should make the language of the claim consistent with applicant's intent. In formulating a rejection on the merits, the examiner is considering that the claims are drawn to the combination and the claims will be rejected accordingly. If applicant indicates by amendment that the subcombination claim is the intention, the language in the preamble should be made consistent with the language in the body of the claims. If the intent is to claim the subcombination, then the body of the claims must be amended to remove positive recitation of the combination. The examiner is interpreting the claims such that the combination of a connection device, conduit, and another element are being positively claimed.

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8. In regard to claim 2, it is recited in lines 1-2, "that the conduit end is provided with a connection piece having a radial projection". Is this the same radial projection as recited in line 3 of claim 1 or a different radial projection in addition to the radial projection as recited in claim 1?

9. In regard to claim 3, the limitation "the connection piece " is recited in line 1. There is insufficient antecedent basis for this limitation in the claim.

10. In regard to claim 11, the limitation "the sealing material " is recited in line 1 and the limitation "the metal gasket" is recited in line 2. There is insufficient antecedent basis for these limitations in the claim.

11. In regard to claim 18, the recitation of "characterized in that tensioning device is configured as a screw" appears to be reciting a positive structural limitation upon a non-positively recited feature. Claim 1 recites, in lines 9-10, "with which said radial projection can be pressed against the element by means of a tensioning device". The phrase "can be" only indicating being capable of, not the positive recitation of the presence of a physical structure of a tensioning device.

Claim Rejections - 35 USC § 102

12. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

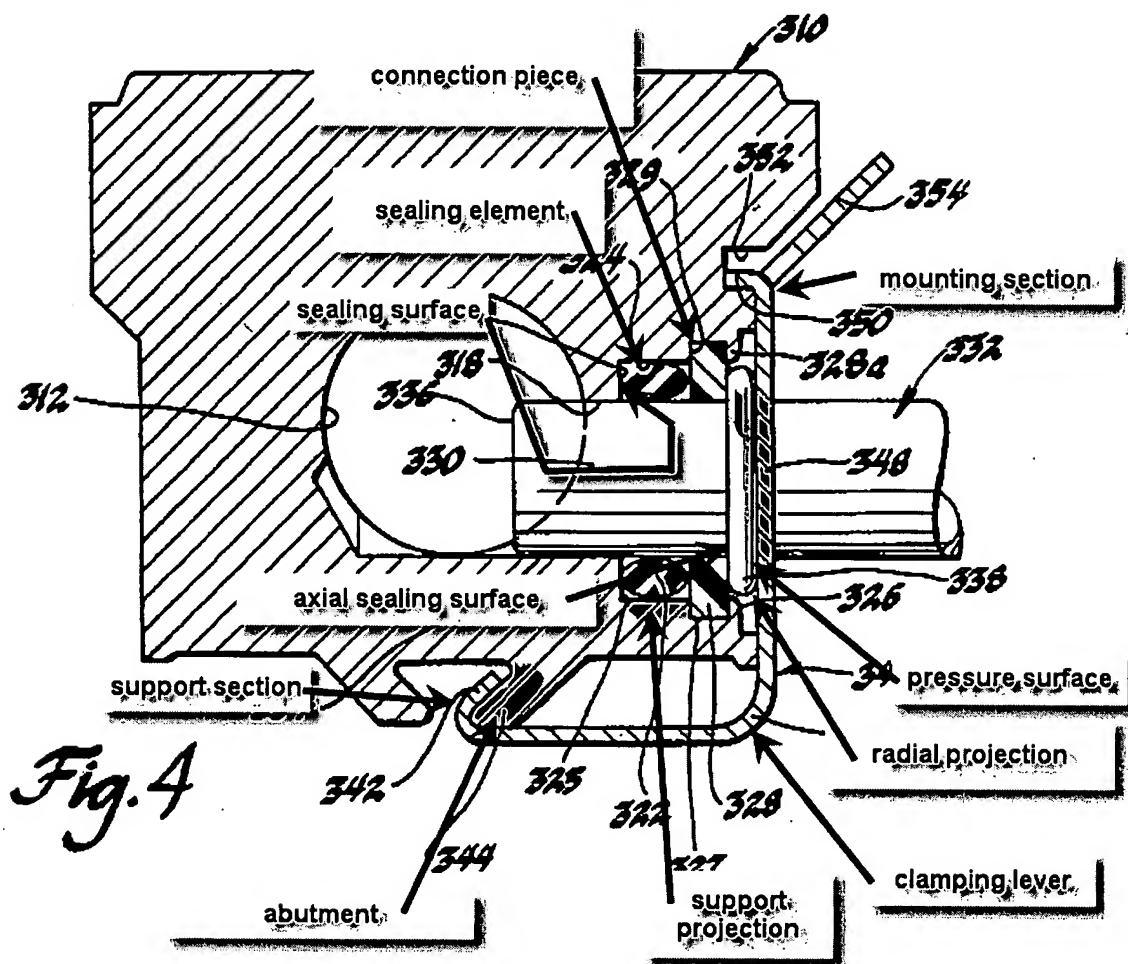
A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

13. Claims 1, 4-7, 12, 14, 15, and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Field (U.S. 4,844,515).

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14. In regard to claim 1, Field discloses in Figure 4, below, a connection device, with a conduit end (the whole part of the conduit shown in Figure 4, below) associated with a fluid conduit and having a radial projection and an axial sealing surface, with a sealing element interposed between the axial sealing surface and a sealing surface, with a clamping lever having a support section for support on an abutment provided on the element, a pressure surface associated with the radial projection, and a mounting section with which the radial projection can be pressed against the element by means of a tensioning device.



(Field Figure 4)

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15. In regard to claim 2, Field further discloses in Figure 4, above, a connection piece having a radial projection.

16. In regard to claim 3, Field discloses in Figure 4, above, a connection piece.

17. Note that the method of forming the device is not germane to the issue of the patentability of the device itself. Therefore, this limitation of “connection piece is soldered to the fluid conduit”, as recited in lines 1-2 of claim 3, has been given little patentable weight. Field discloses a connection piece and, therefore, the claim limitation is met.

18. In regard to claim 4, Field discloses in Figure 4, above, a radial projection.

19. Note that the method of forming the device is not germane to the issue of the patentability of the device itself. Therefore, this limitation of “that the radial projection is molded to the fluid conduit”, as recited in lines 1-2 of claim 4, has been given little patentable weight. Field discloses a radial projection and, therefore, the claim limitation is met.

20. In regard to claim 5, Field discloses in Figure 4, above, a radial projection.

21. Note that the method of forming the device is not germane to the issue of the patentability of the device itself. Therefore, this limitation of “that the radial projection is created by a disk flange”, as recited in lines 1-2 of claim 5, has been given little patentable weight. Field discloses a radial projection and, therefore, the claim limitation is met.

22. In regard to claim 6, Field further discloses in Figure 4, above, that the axial sealing surface is a plane surface (as observed, the surface appears to be planar).

23. In regard to claim 7, Field further discloses in Figure 4, above, that the axial sealing surface is adjacent a support projection.

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24. In regard to claim 12, Field further discloses in Figure 4, above, that the fluid conduit extends through an opening of the clamping lever (column 4, lines 11-14).

25. In regard to claim 14, Field further discloses in Figure 4, above, that the opening has a discontinuous edge (the opening is made in the clamp lever by a pair of arms, therefore it is discontinuous; column 4, lines 11-14).

26. In regard to claim 15, Field further discloses in Figure 4, above, that the support section of the clamping lever and the abutment form a hinge (with the clamping lever disengaged at the mounting section, the support section will hinge about the abutment, therefore the support section of the clamping lever and the abutment form a hinge).

27. In regard to claim 17, Field further discloses in Figure 4, above, that the pressure surface is in central contact with the radial projection (as can be observed in Figure 4, above, the pressure surface in contact with the central region of the radial projection).

Claim Rejections - 35 USC § 103

28. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

29. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Field as applied to claims above, and further in view of Gastineau (U.S. 3,313,553).

30. In regard to claim 8, Field discloses the claimed invention except for a metal O-ring being the seal element. Gastineau teaches a metallic O-ring used in static installations to seal

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against the loss of pressure fluids (column 1, lines 9-11). As Gastineau relates to seal elements, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the invention of Fields with the metallic O-ring as taught by Gastineau to seal against the loss of pressure fluids.

31. Claims 9, 10, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Field as applied to claims above, and further in view of Fuhrmann et al (U.S. 3,519,278).

32. In regard to claim 9, Field discloses the claimed invention except for a metal gasket with a coating of sealing material being the sealing element. Fuhrmann et al teach a sealing element that is a metal gasket with a coating (column 2, lines 36-52) to offer an extremely long service life (column 2, lines 20-21). As Fuhrmann et al relate to sealing elements, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the invention of Field with the metal gasket with a coating sealing element as taught by Fuhrmann et al to have an extremely long service life.

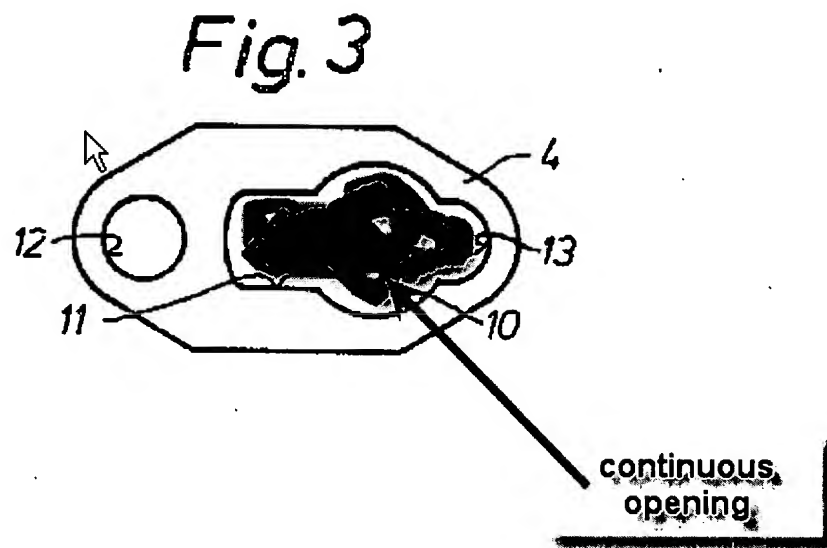
33. In regard to claim 10, Fuhrmann et al further provide for the sealing material to be an elastomer (soft rubber as taught in column 6, lines 10-14).

34. In regard to claim 11, Fuhrmann et al further provide for the sealing material to be a metal exhibiting deformability greater than that of the metal gasket (deformable metal as taught in column 4, lines 24-26).

35. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Field as applied to claims above, and further in view of Messerschmidt (U.S. 4,046,478).

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36. In regard to claim 13, Field discloses the claimed invention except for continuous edge opening in the clamping lever. Messerschmidt teaches a connection device clamping lever in Figure 3, below, with a continuous opening to secure a conduit to an element, e.g. to secure a fuel injection nozzle to an engine (column 1, lines 9-14). As Messerschmidt relates to connection devices with clamping levers, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the lever of Field with the continuous opening as taught by Messerschmidt to secure a conduit to an element



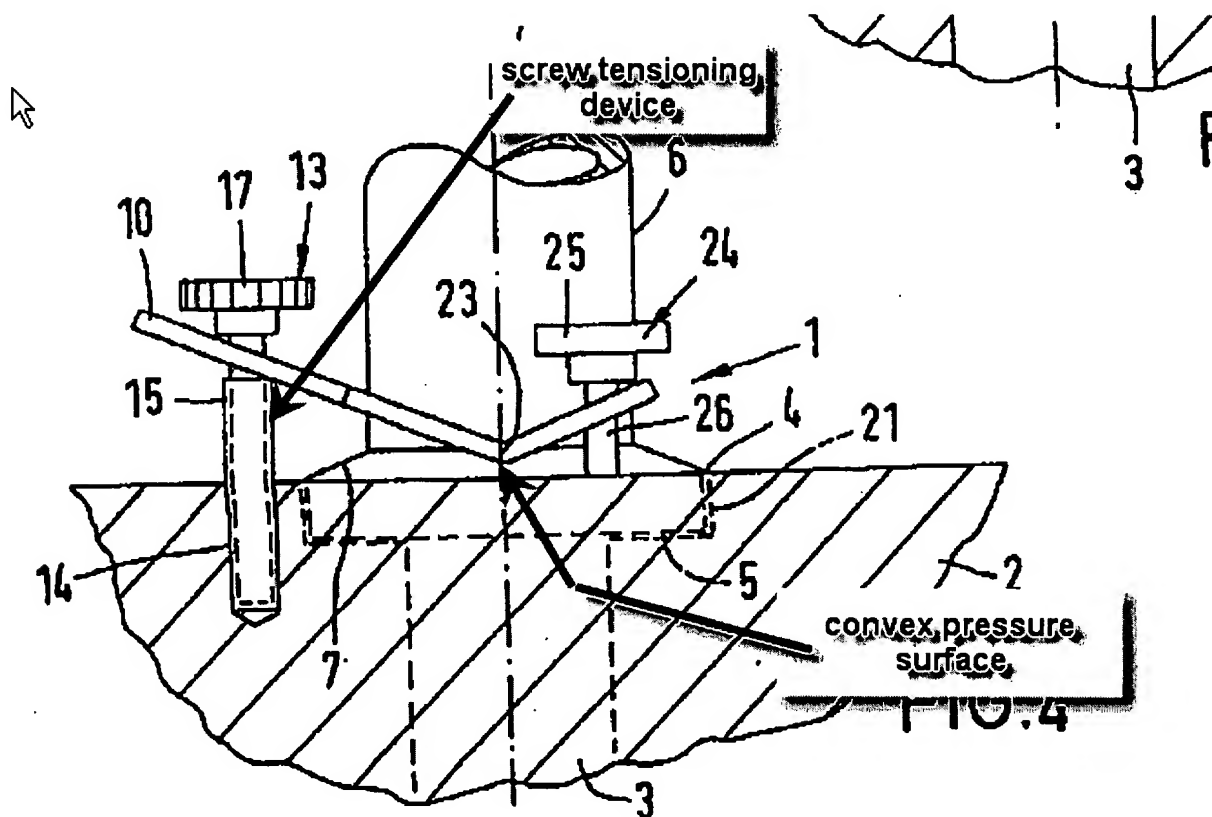
(Messerschmidt Figure 3)

37. Claims 16 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Field as applied to claims above, and further in view of Schulz-Hausmann et al (U.S. 5,829,794).

38. In regard to claim 16, Field discloses the claimed invention except for the convex surface of the pressure surface. Schulz-Hausmann et al teach a connection device with lever arms in Figure 4, below, with convex pressure surfaces to improve the ratio of the lever arms to influence

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contact force (column 2, line 6, through column 3, line 3). As Schulz-Hausmann et al relate to connection devices with lever arms, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the arms as disclosed by Field to have convex pressure surfaces as taught by Schulz-Hausmann et al to improve the ratio of the lever arms to influence contact force.



(Schulz-Hausmann et al Figure 4)

39. In regard to claim 18, Field discloses the claimed invention except for a screw tensioning device. Schulz-Hausmann et al further teach in Figure 4, above, a screw tensioning device to allow the adjustment of tension on the connection device arms (column 2, lines 49-56). As Schulz-Hausmann et al relate to connection devices with lever arms, it would have been obvious

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to one having ordinary skill in the art at the time the invention was made to modify the connection device of Field with the tensioning device screw as taught by Schulz-Hausmann et al to allow the adjustment of tension on the connection device arms.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jay R. Ripley whose telephone number is 571-272-7535. The examiner can normally be reached on 6:00AM - 3:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on 571-272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



J. R. Ripley
29 MAY 2007



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